

PRODUCT: 23 cases, each containing 12 jars, and 38 cases, each containing 24 jars, of peanut butter at Summit, Miss. Examination showed that the product contained insect fragments and dirt, and that a portion was short of the declared weight.

LABEL, IN PART: "Net Wt. 1 Lb. 8 Oz. [or "½ Lb."] Rainer's Pure Peanut Butter."

VIOLATIONS CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance; and, Section 402 (a) (4), it had been prepared under insanitary conditions whereby it might have become contaminated with filth.

Misbranding, Section 403 (e) (2), a portion of the product failed to bear a label containing an accurate statement of the quantity of the contents.

DISPOSITION: May 7, 1945. No claimant having appeared, judgment of condemnation was entered and the product was ordered denatured to be used for animal feed.

8477. Misbranding of peanut butter. U. S. v. 126 Cases of Peanut Butter. Default decree ordering the product to be distributed to charitable institutions, or destroyed. (F. D. C. No. 14673. Sample No. 87394-F.)

LIBEL FILED: December 1, 1944, District of Minnesota.

ALLEGED SHIPMENT: On or about September 11, 1944, by the George Hogue Mercantile Co., from Kansas City, Mo.

PRODUCT: 126 cases, each containing 24 jars, of peanut butter at St. Paul, Minn. Examination showed that the product was short-weight.

LABEL, IN PART: "Net Wt. 1 Lb. 8 Oz. Missouri Valley Brand Peanut Butter."

VIOLATION CHARGED: Misbranding, Section 403 (e) (2), the product failed to bear a label containing an accurate statement of the quantity of the contents, since the label statement "Net Wt. 1 Lb. 8 Oz." was inaccurate.

DISPOSITION: January 17, 1945. No claimant having appeared, judgment was entered ordering that the product be delivered to charitable institutions, or destroyed.

8478. Adulteration of unshelled pecans. U. S. v. Edgar M. Boyles and James Harry Thompson (2 informations filed). Pleas of not guilty to each information, by each defendant. Tried to the court and jury. Verdicts of guilty. Boyles and Thompson sentenced to serve a total of 18 months' and 15 months' imprisonment, respectively. (F. D. C. No. 12579. Sample Nos. 25686-F, 48188-F, 72213-F, 72214-F.)

INFORMATIONS FILED: March 8, 1945, Middle District of Georgia, against Edgar M. Boyles and James Harry Thompson, Albany and Macon, Ga.

ALLEGED SHIPMENT: Between the approximate dates of October 30 and November 11, 1943, from the State of Georgia into the States of Tennessee and Alabama.

VIOLATIONS CHARGED: Adulteration (both informations), Section 402 (a) (3), the product consisted in whole or in part of filthy and decomposed substances and was otherwise unfit for food by reason of the presence of insect-infested, moldy, decomposed, shriveled, and rancid nuts; Section 402 (b) (3), it consisted in large part of damaged and inferior nuts, which damage and inferiority had been concealed by topping the damaged and inferior nuts with nuts of a better quality; and, Section 402 (b) (4), nuts of a better quality than the remainder of the product had been added to the tops of the bags so as to make the product to appear better and of greater value than it was.

DISPOSITION: The defendants having filed a motion to dismiss the informations on the ground that they had bought and sold the product in good faith, and the motion having been denied, pleas of not guilty were entered to both informations. On April 18, 1945, the cases came on for trial before a jury. They were tried simultaneously, and on April 19, 1945, the jury returned a verdict of guilty. On the same date, the court sentenced the defendant, Boyles, to a total of 18 months' imprisonment, and the defendant, Thompson, to a total of 15 months' imprisonment for the violations represented by both informations.

8479. Adulteration of pecan meats. U. S. v. 1 Box of Pecan Meats. Default decree of condemnation and destruction. (F. D. C. No. 14679. Sample No. 75420-F.)

LIBEL FILED: November 30, 1944, Western District of New York.

ALLEGED SHIPMENT: On or about August 22, 1944, by Ricci & Co., from Chicago, Ill.

PRODUCT: 1 60-pound box of pecan meats at Buffalo, N. Y.

VIOLATION CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of larvae.

DISPOSITION: March 12, 1945. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

8480. Adulteration of shelled pecans. U. S. v. 15 Cases of Shelled Pecans. Default decree of condemnation and destruction. (F. D. C. No. 14831. Sample No. 74372-F.)

LIBEL FILED: December 21, 1944, Southern District of California.

ALLEGED SHIPMENT: On or about October 6, 9, and 13, 1944, by the American Pecan Co., San Antonio, Tex.

PRODUCT: 15 cases, each containing 60 pounds, of shelled pecans at Los Angeles, Calif.

VIOLATIONS CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of filthy and decomposed substances by reason of the presence of larvae, insect fragments, and insect-infested and moldy pecans; and, Section 402 (a) (4), the product had been prepared under insanitary conditions whereby it might have become contaminated with filth.

DISPOSITION: April 10, 1945. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

8481. Misbranding of pecans in shell. U. S. v. 31 Bags of Pecans in Shell. Default decree of condemnation. Product ordered repacked, labeled, and sold. (F. D. C. No. 14865. Sample No. 34978-F.)

LIBEL FILED: December 27, 1944, Northern District of Georgia.

ALLEGED SHIPMENT: On or about November 15 and 16, 1944, by the Haygood Pecan Co., from Lexington, S. C.

PRODUCT: 31 2-pound bags of pecans in shell at Atlanta, Ga.

LABEL, IN PART: "Haygood's Choice Paper-shell Pecans."

VIOLATION CHARGED: Misbranding, Section 403 (e) (2), the product failed to bear a label containing a statement of the quantity of the contents.

DISPOSITION: April 20, 1945. No claimant having appeared, judgment of condemnation was entered and the product was ordered repacked and labeled in compliance with the law, and sold to the highest bidder.

8482. Adulteration of pine nuts. U. S. v. 200 Bags of Pine Nuts. Consent decree of condemnation. Product ordered released under bond. (F. D. C. No. 12821. Sample No. 60058-F.)

LIBEL FILED: June 30, 1944, District of Hawaii.

ALLEGED SHIPMENT: On or about June 3, 1944, by the Albert Asher Co., from San Francisco, Calif.

PRODUCT: 200 80-pound bags of pine nuts at Kahului, T. H.

VIOLATION CHARGED: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of animal excreta pellets.

DISPOSITION: January 26, 1945. The Maui Dry Goods and Grocery Co., Ltd., Kahului, T. H., claimant, having admitted that the product was adulterated as set forth in the libel, judgment of condemnation was entered and the nuts were ordered released under bond for cleaning and repacking under the supervision of the Food and Drug Administration.

8483. Adulteration of pine nuts. U. S. v. 16 Bags of Pine Nuts. Decree of condemnation. Product ordered released under bond. (F. D. C. No. 15184. Sample No. 29142-H.)

LIBEL FILED: January 31, 1945, Southern District of California.

ALLEGED SHIPMENT: On or about November 26, 1943, by the Gallup Mercantile Co., from Gallup, N. Mex.

PRODUCT: 16 second-hand, 85-pound bags of pine nuts at Fresno, Calif.

VIOLATION CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of excreta pellets of sheep, goats, and possibly rabbits.

DISPOSITION: March 8, 1945. Davis & Sons, Fresno, Calif., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond to be brought into con-